

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9 & 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. "The counterweight" in claim 9 lacks antecedent basis. It is unclear if applicant is claiming an additional counterweight when there is no antecedent basis for two or just a single counterweight in claim 11 (see "a further counterweight").

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 & 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zamorano (US 5,829,941) in view of Coolens (WO 9411598) (previously cited).

With respect to claims 1-5 & 8, Zamorano discloses a device for storing vehicles, which device comprises-

- a plurality of storage locations for vehicles lying beside and above each other, at least one exchange location connecting storage locations to device surroundings,

- wherein all locations comprise-
 - an open supporting platform for supporting a vehicle,
 - means of transport for transporting a vehicle between an exchange location and a storage location, a means of transport comprising-
 - a horizontally movable guide system 7 for guiding a lift 8, 10 in vertical direction, which lift comprises a lift platform 31A which can move in horizontal direction between a lift and locations and which can pass an open supporting platform 4 in vertical direction for transferring a vehicle between a supporting platform in question and a lift platform,
 - an exchange location (indicated generally as 9) further comprising a fill-up platform which.

Zamorano does not disclose a fill-up platform that is moved in a downward direction.

Coolens discloses tilting displacement forks (FIG. 13) that move laterally into and out of a fill-up station 96. Coolens teaches: "Space-saving, high bay, partially underground multistory car park." Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Zamorano to include a fill-up platform that can be tilted in downward direction to create space for a lift platform to pass.

With respect to claim 9, Zamorano discloses a lift is provided with an elongated, flexible tensioning element 34 which is passed over a driving element 20 being rotated

by an electric motor for moving a lift platform, wherein a tensioning element is connected to a lift platform. C5/L60-C6/L20.

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zamorano in view of Coolens and further in view of Meyer (US 3,710,956). Meyer discloses a counterweight 26 movable (C2/L37) in a direction opposite to a horizontal direction of a lift platform 34 under control means. C9/L43. Meyer teaches "balancing the automobile on the skid and for maintaining the skid in a desired horizontal position that is corrected for changes in the loading of the skid. " C2/L60. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Zamorano to include Meyer's counterweight and control to sustain a horizontal position of a loaded lift.

Claims 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zamorano in view of Coolens and further in view of Vita (US 5,980,185).

Zamorano discloses counter weights and two legs comprising at least three interconnected parallel leg beams and does not disclose four legs and motors and counterweights movable between leg beams. Vita discloses four legs (generally indicated as 17, 30) and a wheel 112, 108 present under a leg beam of a leg for moving a guide system in horizontal direction, counter weight 50 and electric motor 114. Vita teaches "improved stability of the structure and improved safety." Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Zamorano to include four legs, motors and wheels, as per the teachings of Vita, to improve stability and safety when parking cars.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zamorano in view of Coolens and Vita and further in view of Heinrich (US 3,419,162). Heinrich discloses rubber tyres 6 which run smoothly on concrete tracks 5 when rotating a lift 8. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Zamorano to include rubber tyres, as per the teachings of Heinrich, which offer smoother lift rotation when moving vehicle into and out of a parking garage.

Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zamorano in view of Coolens and further in view of Phillip Graham (US 2,815,872). Phillip Graham discloses a screening body and gutters (FIG. 11; C5/L60-70; C7/L30). Phillip Graham discloses a vehicle parking apparatus and teaches the conveyance of dirt and debris "for protecting the vehicle below" and to act as a "safety guard to prevent men or vehicles from falling through the runway." Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Zamorano to include Phillip Graham's screen and gutter to prevent damage and enhance safety of parking apparatus'.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREGORY W. ADAMS whose telephone number is (571)272-8101. The examiner can normally be reached on M-Th, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on (571) 272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Gregory W Adams/
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